

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EPIC SYSTEMS CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 06-255-JJF
	§	
ACACIA RESEARCH CORPORATION	§	JURY TRIAL DEMANDED
and RESOURCE SCHEDULING	§	
CORPORATION,	§	
	§	
Defendants.	§	

DEFENDANTS' MOTION TO DISMISS & IN THE ALTERNATIVE
MOTION TO TRANSFER VENUE

Defendants Acacia Research Corporation (“Acacia”) and Resource Scheduling Corporation (“RSC”) (collectively “Defendants”) request that the Court enter an Order (a) dismissing Plaintiff Epic Systems Corporation’s (“Epic”) Complaint in its entirety for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1); and (b) dismissing Plaintiff Epic’s claims against Defendant Acacia from this action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1); or in the alternative, (c) transferring this action to the United States District Court for the Eastern District of Texas, Marshall Division pursuant to 28 U.S.C. § 1404(a).

WHEREFORE, Defendants respectfully request that the Court enter an Order granting the relief requested above, and for such other and further relief to which Defendants may be justly entitled.

Respectfully submitted,

Dated: May 9, 2006

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Defendants.	§	

**ORDER ON DEFENDANTS' MOTION TO DISMISS & IN THE ALTERNATIVE
MOTION TO TRANSFER VENUE**

On this ____ day of _____, 2006, the Court considered *Defendants' Motion to Dismiss*. Finding that good cause exists for the granting of the same, it is hereby found and ORDERED: (a) Plaintiff Epic Systems Corporation's ("Epic") Complaint is dismissed in its entirety for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1); and (b) Plaintiff Epic's claims against Defendant Acacia are dismissed from this action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

THE HONORABLE JOSEPH J. FARNAN, JR.

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2006, the foregoing document was electronically filed with the Clerk of the Court for the U.S. District Court, District of Delaware, using CM/ECF which will send notification of such filing to the following:

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